

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9) Case No.: 2:17-cv-234
10)
10 TAMMERA GUNNING,) **COMPLAINT;**
11 Plaintiff,)
12 vs.) FAIR DEBT COLLECTION PRACTICES
13) ACT (15 U.S.C. § 1692a, *et seq.*);
14 ALLIANCEONE RECEIVABLES)
15 MANAGEMENT, INC.,) DEMAND FOR JURY TRIAL
16 Defendant.)
16)
16)

17 **I. INTRODUCTION**

18 1. This is an action for damages brought by an individual consumer for Defendant's
19 violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter
20 "FDCPA").

22 **II. JURISDICTION**

23 2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d),
24 and therefore involves a "federal question" pursuant to 28 U.S.C. § 1331.

26 **III. PARTIES**

27 3. Plaintiff, Tammera Gunning ("Plaintiff"), is a natural person residing in Skagit
28

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1 County, Washington.

2 4. Defendant, AllianceOne Receivables Management, Inc. (“Defendant”), is a
3 corporation engaged in the business of collecting debts by use of the mails and telephone.
4 Defendant regularly attempts to collect debts alleged due another.
5

6 **IV. FACTUAL ALLEGATIONS**

7 5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).
8 6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).
9 7. All activities of Defendant set out herein were undertaken in connection with the
10 collection of a “debt,” as defined by 15 U.S.C. § 1692a(5).

12 8. Within the last year, Defendant took multiple actions in an attempt to collect a debt
13 from Plaintiff. Defendant’s conduct violated the FDCPA in multiple ways, including the following.

14 9. Falsely representing the amount, character, or legal status of any debt, including
15 falsely representing Plaintiff owes a debt she does not owe for her stepdaughter’s dental bill;
16 Plaintiff explained to Defendant in a phone call that she was not married to the girl’s father who
17 received the services when they were received and that she is not the girl’s mother, and Defendant
18 responded by threatening to continue collecting until Plaintiff proved these things (§ 1692e(2)(A)
19 & e(5)).
20

21 10. As a result of the aforementioned violations, Plaintiff suffered and continues to
22 suffer injuries to Plaintiff’s feelings, personal humiliation, embarrassment, mental anguish and
23 severe emotional distress.
24

25 11. Defendant intended to cause, by means of the actions detailed above, injuries to
26 Plaintiff’s feelings, personal humiliation, embarrassment, mental anguish and severe emotional
27 distress.
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1 12. Defendant's actions, detailed above, were undertaken with extraordinary disregard
2 of, or indifference to, known or highly probable risks to purported debtors.

3 13. To the extent Defendant's actions, detailed in paragraphs 8-15, were carried out by
4 an employee of Defendant, that employee was acting within the scope of his or her employment.
5

6 **COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

7 14. Plaintiff reincorporates by reference all of the preceding paragraphs.

8 15. The preceding paragraphs state a *prima facie* case for Plaintiff and against
9 Defendant for violations of the FDCPA.
10

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant
13 for the following:

14 A. Declaratory judgment that Defendant's conduct violated the FDCPA;
15 B. Actual damages pursuant to 15 U.S.C. 1692k;
16 C. Statutory damages pursuant to 15 U.S.C. § 1692k;
17 D. Costs, disbursements and reasonable attorney's fees for all successful claims, and
18 any unsuccessful claims arising out of the same transaction or occurrence as the successful claims,
19 pursuant to 15 U.S.C. § 1692k; and,
20

21 E. For such other and further relief as may be just and proper.

22 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

23 Dated this 15th day of February, 2017.

24
25
26
27 By: s/Joshua Trigsted
Joshua Trigsted, WSBA#42917
28 Attorney for Plaintiff

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